

**INDIANA STATE RECOUNT COMMISSION
MINUTES OF THE APRIL 23, 2018 MEETING**

MEMBERS PRESENT: The Honorable Connie Lawson, Chairman of the Indiana State Recount Commission ("the Commission"); Matthew Huckleby, Member; Michael Claytor, Member.

MEMBERS ABSENT: None.

STAFF ATTENDING: J. Bradley King, Majority Counsel; Matthew Kochevar, Minority Counsel; Mr. Philip A. Sicuso, Recount Director.

OTHERS ATTENDING: Mr. Brandon Clifton, Deputy Secretary of State; Ms. Angela Nussmeyer, Indiana Election Division Co-Director; Mr. Dale Simmons, Indiana Election Division Co-General Counsel.

1. CALL TO ORDER:

The chair called the meeting of the Commission to order at 8:30 a.m. at Room E-111, Indiana Government Center South, 302 Washington Street, Indianapolis, Indiana.

2. COMMISSION BUSINESS:

The Commission transacted the business and took the official actions set forth in the Transcript prepared by Kathleen Andrews, RPR, Associated Reporting, Inc. which is incorporated by reference into these minutes.

The Commission approves the Transcript, with the correction of the following scrivener's errors:

Page 2, delete "IED STAFF" and insert "RECOUNT COMMISSION STAFF".

Page 2, delete "Dale Simmons – Counsel" and after "Brandon Clifton, Secretary of State", insert "Dale Simmons, Indiana Election Division Co-General Counsel."

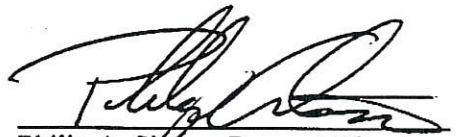
Page 2, after "Angela Nussmeyer", add ", Co-Director, Indiana Election Division".

Page 7, line 25, replace "matter" with "manner".

3. ADJOURNMENT:

There being no further business before the Commission, the Commission adjourned at 8:45 a.m.

APPROVED:



Philip A. Sicuso, Recount Director
Acting under the authority of the
Indiana State Recount Commission
Pursuant to Order 2018-01

STATE OF INDIANA
BEFORE THE INDIANA STATE RECOUNT COMMISSION

TRANSCRIPT OF PROCEEDINGS

April 23, 2018

8:30 a.m.

Indiana Government Center South
302 West Washington Street
Room E111
Indianapolis, IN 46204

ASSOCIATED REPORTING, INC.
251 EAST OHIO STREET, SUITE 940
INDIANAPOLIS, IN 46204
(317) 631-0940
www.associated-reporting.com

A P P E A R A N C E S

MEMBERS OF THE INDIANA STATE RECOUNT COMMISSION:

The Honorable Connie Lawson
Indiana Secretary of State and Chairperson

Commissioner Michael Claytor

Commissioner Matt Huckleby

IED STAFF:

J. Bradley King - Majority Counsel

Matthew Kochevar - Minority Counsel

Philip Sicuso - Recount Director

Dale Simmons - Counsel

ATTENDEES:

Angela Nussmeyer

Brandon Clifton, Deputy Secretary of State

1 CHAIRPERSON LAWSON: Well, good morning,
2 everyone. It's 8:30, so we'll call the meeting to
3 order. I do see a quorum, so I will call the
4 meeting to order.

5 Just let me say that this is a meeting of the
6 Indiana State Recount Commission, and all three
7 members are present. Or at least two are, and then
8 we'll have our third member sworn in here in just a
9 second.

10 I'm Connie Lawson, and as Secretary of State I
11 serve as Chair and a member of this Commission.
12 I'm joined by Matt Huckleby, soon to be given his
13 oath, and Commissioner Michael Claytor.

14 So, Brad, would you be so kind as to do the
15 oath.

16 MR. KING: Madam Secretary. Sir, if you'll
17 stand, raise your right hand and respond "I do" at
18 the conclusion of the oath.

19 As required by Article 15, Section 4 of the
20 Constitution of the State of Indiana, and by
21 Indiana Code 5-4-1-1, I do solemnly swear or affirm
22 that I will faithfully discharge the duties of the
23 office of Member of the State Recount Commission
24 and will support the Constitution of the United
25 States and the Constitution of the State of Indiana

1 to the best of my abilities, so help me God.

2 MR. HUCKLEBY: I do.

3 MR. KING: Thank you.

4 CHAIRPERSON LAWSON: Thank you. We have a
5 court reporter with us today, Ms. Katie Andrews,
6 and we appreciate you being here. And also I
7 wanted to make sure we introduce the Indiana
8 Election Division. They provide administrative
9 support to the Recount Commission.

10 Brad King serves as our Majority Counsel, and
11 Matthew Kochevar serves as the Minority Counsel.
12 And as I mentioned, our court reporter is Katie
13 Andrews.

14 I'm going to ask Mr. King to report regarding
15 this meeting's compliance with the Open Door Law.

16 MR. KING: Madam Chairman, Members of the
17 Commission, notice of this State Recount Commission
18 was given in compliance with the Indiana Open Door
19 Law.

20 CHAIRPERSON LAWSON: Thank you, Brad. Before
21 we begin the presentations today, I need to remind
22 everyone on behalf of the court reporter to
23 identify yourself when beginning to speak, spell
24 your name when identifying yourself, speak clearly,
25 and do not speak at the same time others are

1 speaking.

2 So our first item on the agenda is the
3 employment of Recount Director, and delegation of
4 certain powers to the Recount Director. And I will
5 recognize Brad King -- and, Matthew, if you have
6 comments, you can do it as well -- to present the
7 order. It's 2018-1.

8 MR. KING: Thank you, Madam Chairman. Order
9 2018-1 concerns employment of the Recount Director
10 and delegation of certain Commission powers to the
11 Recount Director.

12 State law and the guidelines adopted by the
13 Commission require the Commission to employ and set
14 the salary of the Recount Director. State law also
15 requires the Recount Director to perform the tasks
16 delegated to the director by the Commission.

17 Further, Indiana Code 3-12-10-7(a) permits a
18 person designated by the Commission to exercise any
19 of the Commission's powers except final adoption of
20 rules and final determination of a recount or the
21 final determination of a contest. It further
22 provides the person designated to exercise any of
23 these powers must be an attorney.

24 The individual identified in the order is
25 Mr. Philip A. Sicuso, who is a member in good

standing of the Indiana Bar, and therefore
qualified under that statute to exercise the powers
delegated to him. These powers often include the
administration of the recount or to some extent a
contest when the field work begins. So that the
Commission itself is not physically present in a
multicounty recount as one example. Instead, the
Recount Director supervises the work of the State
Board of Accounts, works with the State Police and
with the county officials in coordinating the
recount and then reporting back to the Commission
for action.

On occasion the Recount Director exercises
administrative abilities, such as the employment of
deputy directors. In the most recent recount
conducted in May of 2016 I believe there were four
deputy directors who were designated to cause the
recount involving 19 counties in the 8th
Congressional District.

The order itself is fairly straightforward.
Section 1 employs Philip A. Sicuso to serve as
Recount Director. Section 2 sets the salary.
Section 3 provides that the employment takes effect
immediately upon the adoption of this order and
continues until otherwise ordered by the

1 Commission.

2 The previous order, 2016-21, on this matter is
3 rescinded. Mr. Andrew Norris was designated as
4 ~~Recount Director for the period beginning November~~
5 of 2016, after which there were mercifully no
6 recounts or contests for the Commission to conduct.
7 There is an order referencing Mr. Norris that we
8 could come to in a moment.

9 Section 5 then performs the same delegation of
10 authority with the exception of the powers I
11 mentioned, and Section 6 provides the order takes
12 effect immediately.

13 I'll defer to Matthew for further comments.

14 MR. KOICHEVAR: Madam Secretary, Members of the
15 Commission, I concur with Mr. King in his
16 presentation of this order. I would only like to
17 note two possible corrections for the record so the
18 Commission is aware, as well as Mr. King.

19 One is the order, the date of this order,
20 which would be for the 23rd, and then the changing
21 of the Commission Member's name from Mr. Gordon
22 Durnil to Mr. Matthew Huckleby.

23 MR. KING: With that, Madam Chair, if I may
24 add, I think procedurally the Commission can then
25 take those changes by consent in the matter of

1 legislative committee, if that's its desire.

2 CHAIRPERSON LAWSON: Are there any other
3 questions or comments? Can we take that by
4 consent?

5 MR. HUCKLEBY: Consent.

6 MR. CLAYTOR: I consent.

7 CHAIRPERSON LAWSON: We'll change the date to
8 April 23, and we will change the name of the
9 Commissioner from Gordon Durnil to Matt Huckleby.

10 MR. CLAYTOR: Madam Chairman, may I move the
11 adoption -- I believe adoption would be the right
12 term. Correct me if I'm wrong -- move the adoption
13 of the Commission's order as outlined by Mr. King.

14 MR. HUCKLEBY: Second.

15 CHAIRPERSON LAWSON: I have a motion and
16 second. All those in favor say, aye.

17 (Chorus of ayes.)

18 CHAIRPERSON LAWSON: Opposed? The motion is
19 adopted unanimously. The corrected motion is
20 adopted unanimously.

21 Next we have Order 2018-2 which is the
22 appointment of a Deputy Recount Director and
23 delegation of authority to the Deputy Recount
24 Director.

25 Brad, would you like to present 2018-2,

1 please.

2 MR. KING: Thank you, Madam Chair.

3 As I mentioned in my earlier presentation, the
4 ~~appointment of a Deputy Recount Director is a~~
5 standard practice by the Commission and is
6 ordinarily done so by the Recount Director upon the
7 determination of need for the assistance of a
8 deputy. Mr. Norris, as we noted previously, served
9 as potential Recount Director, and the order
10 drafted before you provides for this appointment by
11 Mr. Sicuso.

12 I'd be happy to answer any questions.

13 CHAIRPERSON LAWSON: Matthew, you saw another
14 correction, I'm assuming?

15 MR. KOICHEVAR: Yes, just a correction of the
16 date of the order signed by Mr. Sicuso. But I will
17 concur with Mr. King on his presentation of this
18 order.

19 CHAIRPERSON LAWSON: Can we take that
20 correction by consent?

21 MR. CLAYTOR: Can I ask a procedural question?

22 CHAIRPERSON LAWSON: Sure.

23 MR. CLAYTOR: Do we need to act on this at
24 since Mr. Sicuso is actually going to sign it?

25 CHAIRPERSON LAWSON: We may not need to. We

1 just need to correct it, correct the date. So can
2 we take the correction by consent?

3 MR. CLAYTOR: Oh, absolutely.

4 CHAIRPERSON LAWSON: We have a corrected Order
5 2018-2.

6 Phil would you like to say anything about the
7 order?

8 MR. SICUSO: It looks good to me other than
9 the correction. I'll sign it today.

10 CHAIRPERSON LAWSON: Any other questions from
11 the Commission Members? I guess we do not have to
12 take a motion to adopt that because Phil will sign
13 it. So any other business to come before the
14 Commission?

15 MR. CLAYTOR: Hopefully, we aren't needed.

16 CHAIRPERSON LAWSON: Yes. If not, is there a
17 motion that the Commission do now adjourn?

18 MR. CLAYTOR: So moved.

19 MR. HUCKLEBY: Second.

20 CHAIRPERSON LAWSON: All those in favor, aye.

21 (Chorus of ayes.)

22 CHAIRPERSON LAWSON: Opposed? The motion is
23 adopted. Thank you all.

24 (Meeting adjourned.)
25

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

I, Kathleen Andrews, Notary Public in and for
the County of Hamilton and State of Indiana, do
hereby certify that the foregoing transcript is a
true, full and complete transcript of the
proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official notarial seal on this 26th
day of April, 2018.



Kathleen Andrews, RPR, Notary Public

County of residence: Hamilton County
My commission expires: March 22, 2023